

New Matter

Amendment Relating to a Pending Matter

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: FRESENIUS GRANUFLO/NATURALYTE DIALYSATE PRODUCTS LIABILITY LITIGATION	§ § § § § § § § § §	MDL NO. 1:13-MD-2428-DPW SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL
This Document Relates to: [Insert Name of Individual Case]		

The Plaintiff(s) named below file this *Short-Form Complaint* against the Defendants named below and incorporate *The Master Complaint and Jury Demand* filed in MDL No. 2428 by reference. Plaintiff selects and indicates by checking-off where requested, those products, Parties and claims that are specific to his or her case. Plaintiffs (s) further allege as follows:

1. Plaintiff _____
2. Plaintiff's Spouse (*if applicable*) _____
3. Other Plaintiff and capacity, if applicable (*i.e.*, administrator, executor, guardian, conservator, etc.) _____
4. State of Residence _____
- 5a. By checking here, I choose Massachusetts as the "home" forum.
- 5b. If you did not chose Massachusetts as the "home" forum, identify the United States District Court and Division in which venue would be proper absent direct filing _____
6. Defendant(s) [*check each Defendant against whom Complaint is made*]:¹

¹ If additional Counts and/or Counts directed to other Defendants are alleged, the specific facts supporting these allegations must be pleaded by the Plaintiff in a manner complying with the requirements of the

- FRESENIUS MEDICAL CARE HOLDINGS, INC.
- FRESENIUS MEDICAL CARE HOLDINGS, INC. d/b/a FRESENIUS MEDICAL CARE NORTH AMERICA
- FRESENIUS USA, INC.
- FRESENIUS USA MANUFACTURING, INC.
- FRESENIUS USA MARKETING, INC.
- FRESENIUS USA SALES, INC.
- FRESENIUS MEDICAL CARE AG & CO. KGaA.
- FRESENIUS MEDICAL CARE MANAGEMENT AG.
- FRESENIUS SE & CO. KGaA.
- FRESENIUS MANAGEMENT SE.
- Other _____

7. Basis of Jurisdiction

- Diversity of Citizenship
- Other: _____

Other allegations of jurisdiction and venue:

8. On or about _____, Plaintiff had the following injury:

which is alleged to have been caused by Defendants NaturaLyte and/or GranuFlo administered to Plaintiff for dialysis treatment at: _____
[insert name and address of clinic or facility where Plaintiff underwent dialysis treatment].

 Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the *Short Form Complaint*.

9. The following claims asserted in *The Master Complaint and Jury Demand*, and the allegations with regard thereto, are herein adopted by reference:

- Count I – STRICT LIABILITY
- Count II – NEGLIGENCE FAILURE TO WARN
- Count III – NEGLIGENCE DESIGN
- Count IV – NEGLIGENCE
- Count V – NEGLIGENCE MISREPRESENTATION
- Count VI – BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY
- Count VII – BREACH OF IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE
- Count VIII – BREACH OF EXPRESS WARRANTY
- Count IX – FRAUD
- Count X – VIOLATION OF CONSUMER PROTECTION LAWS
- Count XI – LOSS OF CONSORTIUM
- Count XII – WRONGFUL DEATH
- Count XIII – SURVIVAL ACTION
- Other Count(s) (*See* FN 1)

10. Plaintiff asserts the following additional theories against the Defendants identified in Paragraph 6 above (*See* FN 1):

11. Plaintiff asserts the following additional theories against Defendants other than those identified in Paragraph 6 above (*See* FN 1):

WHEREFORE, Plaintiffs pray for relief as set forth in *The Master Complaint and Jury Demand* filed in MDL No. 2428.

Attorney-name

Firm

Address

Phone

Fax

E-mail

Attorney for Plaintiff(s)